

AMENDED IN ASSEMBLY MAY 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1715**

**Introduced by Assembly Member Nation**

February 22, 2005

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An act to amend Section ~~3005~~ 1202a of the Penal Code, relating to ~~parolees death penalty prisoners.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1715, as amended, Nation. ~~Parolees.~~ *Death penalty prisoners.*

*Existing law requires a defendant sentenced to death to be taken to the warden of the San Quentin State Prison.*

*This bill would instead require the defendant to be housed in any state prison that contains level 4 security or is a condemned facility, as specified.*

~~Existing law requires the Department of Corrections to ensure that all parolees under active supervision deemed to pose a high risk to the public of committing a violent sex crime be placed on intensive and specialized parole supervision, as specified.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 3005 of the Penal Code is amended to~~
- 2     ~~read:~~
- 3     *SECTION 1. Section 1202a of the Penal Code is amended to*
- 4     *read:*

1 1202a. If the judgment is for imprisonment in the state prison  
2 the judgment shall direct that the defendant be delivered into the  
3 custody of the Director of Corrections at the state prison or  
4 institution designated by the Director of Corrections as the place  
5 for the reception of persons convicted of felonies, except where  
6 the judgment is for death in which case the defendant shall be  
7 ~~taken to the warden of the California State Prison at San Quentin~~  
8 *housed in a prison that contains level four security, or is a*  
9 *condemned facility, designated by the Director of Corrections.*

10 Unless a different place or places are so designated by the  
11 Director of Corrections, the judgment shall direct that the  
12 defendant be delivered into the custody of the Director of  
13 Corrections at the California State Prison at San Quentin. The  
14 Director of Corrections shall designate a place or places for the  
15 reception of persons convicted of felonies by order, which order  
16 or orders shall be served by registered mail, return receipt  
17 requested, upon each judge of each superior court in the state.  
18 The Director of Corrections may change the place or places of  
19 commitment by the issuance of a new order. Nothing contained  
20 in this section affects any provision of Section 3400.

21 ~~3005. (a) The Department of Corrections, to the maximum~~  
22 ~~extent practicable and feasible, and subject to legislative~~  
23 ~~appropriation of necessary funds, shall ensure, by July 1, 2001,~~  
24 ~~that all parolees under active supervision and that are deemed to~~  
25 ~~pose a high risk to the public of committing violent sex crimes~~  
26 ~~shall be placed on an intensive and specialized parole supervision~~  
27 ~~easeload.~~

28 ~~(b) The Department of Corrections shall develop and, at the~~  
29 ~~discretion of the director, and subject to an appropriation of the~~  
30 ~~necessary funds, may implement a plan for the implementation of~~  
31 ~~relapse prevention treatment programs, and the provision of other~~  
32 ~~services deemed necessary by the department, in conjunction~~  
33 ~~with intensive and specialized parole supervision, to reduce the~~  
34 ~~recidivism of high-risk sex offenders.~~

35 ~~(c) The Department of Corrections shall study the effects of~~  
36 ~~this legislation on recidivism rates of parolees. The study shall be~~  
37 ~~a two-year analysis completed by January 1, 2003, with an initial~~  
38 ~~report to the Legislature on or before January 1, 2004, and a final~~  
39 ~~report on or before January 1, 2006.~~

1     ~~(d) This section shall remain in effect only until July 1, 2006,~~  
2     ~~and as of that date is repealed, unless a later enacted statute, that~~  
3     ~~is enacted before July 1, 2006, deletes or extends that date.~~

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